

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

Joan Kathryn Wenger,

Case No. 2:23-cv-01965-CDS-DJA

Petitioner

Order Granting in Part and Denying in Part  
Motion for Extension of Time  
and Staying Case

Frank Dreesen, et al.,

[ECF No. 10]

## Respondents

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9 In this habeas corpus action, the petitioner, Joan Kathryn Wenger, who is represented by  
10 appointed counsel, was due to file an amended petition for writ of habeas corpus by  
11 April 16, 2024. On April 16, Wenger filed a motion for extension of time, requesting a 217-day  
12 extension, to November 19, 2024, for the amended petition. ECF No. 10. This deadline has not  
13 previously been extended. *See* ECF No. 9 (scheduling order).

14       Wenger’s counsel explains that, by their calculation, the applicable limitations period for  
15 the amended petition will not expire until November 19, 2024, and that they wish to use the  
16 intervening time to meet with Wenger, obtain and review the state-court record and prior  
17 counsel’s files, investigate the case, and hire any necessary experts. Wenger’s counsel states that  
18 they request such a long extension of time so that they will not have to repeatedly seek extensions  
19 while they do that work in preparation for filing the amended petition. Wenger’s counsel  
20 represents that the respondents do not oppose the motion for extension of time.

21 I find that Wenger's motion for extension of time is made in good faith and not solely for  
22 the purpose of delay, and that there is good cause to extend to November 19, 2024, the time for  
23 Wenger's amended petition. However, given that this means a seven-month period of inactivity,  
24 instead of simply extending the time for the amended petition, I will stay the case. The stay will  
25 be lifted after Wenger files an amended habeas petition, or after November 19, 2024, whichever is  
26 earlier. Either Wenger or the respondents may move at any time to lift the stay if they determine  
27 the stay has become inappropriate or unnecessary.

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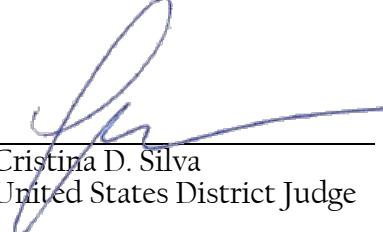
1        In ordering this stay, I do not intend to make any comment regarding, or affect in any  
2 manner, the application of any statute of limitations in this case.

3        IT IS THEREFORE ORDERED that the petitioner's Motion to Extend the Time for  
4 Filing an Amended § 2254 Petition [ECF No. 10] is **GRANTED IN PART AND DENIED IN**  
5 **PART.**

6        IT IS FURTHER ORDERED that this action is **STAYED**. The Clerk of the Court is  
7 directed to administratively close this case during the stay. The stay will be lifted after the  
8 petitioner files an amended petition for writ of habeas corpus, or after November 19, 2024,  
9 whichever is earlier.

10        IT IS FURTHER ORDERED that, pursuant to Federal Rule of Civil Procedure 25(d),  
11 Frank Dreesen is substituted for William Reubart as the respondent warden. The Clerk of the  
12 Court is directed to update the docket to reflect this change.

13        Dated: May 2, 2024



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15        Cristina D. Silva  
16        United States District Judge

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